

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

ECOLAB INC., and NALCO COMPANY :
LLC d/b/a Nalco Water, an Ecolab : Civil Action No.
Company and/or Nalco Water, :
: 1:22-cv-00050-TRM-SKL
Plaintiffs, :
vs. :
ANTHONY RIDLEY, and CHEMTREAT :
INC., :
Defendants. :
:

DEPOSITION OF ANTHONY RIDLEY
APRIL 17, 2023

Oral sworn video-recorded deposition of
ANTHONY RIDLEY, taken at the law offices of
Patrick, Beard, Schulman & Jacoway, P.C., 537
Market Street, Suite 300, Chattanooga, TN 37402,
before Lane C. Butler, RPR, CRR, CCR, and
Patricia R. Frank, RMR, CRR, CCR, Notaries Public
(Court Reporters appearing remotely), commencing
at 9:26 a.m. EDT, on the above date.

- - -

1 and other company property in his
2 possession." Do you see that?

3 A. Yes.

4 Q. Okay. Upon your termination
5 from Ecolab, did you return all Nalco Ecolab
6 business information that was in your
7 possession?

8 A. Upon my resignation, I returned
9 everything that I knew I had at the time.

10 Q. What do you mean, everything
11 that you knew you had at the time?

12 A. Everything I could remember
13 having, and I was -- my memory was assisted
14 by the documents provided by Ecolab HR which
15 was kind of a checklist, no a kind of, it was
16 a checklist of things to return. That's what
17 I used to go off of. And I returned
18 everything that I remembered having during --
19 upon reading the document provided by Ecolab
20 HR.

21 Q. Okay. Sitting here today, are
22 you aware of any Nalco or Ecolab company data
23 that you did not return after your separation
24 from the company?

1 MR. POPE: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. WALTON:

4 Q. What?

5 A. There were three thumb drives.

6 Q. Anything else?

7 A. There were documents found on
8 an external hard drive which have all been
9 deleted.

10 Q. When were they deleted?

11 A. When they were found on the
12 external hard drive.

13 Q. When were they found?

14 A. There were a couple of
15 occasions which that occurred.

16 THE COURT REPORTER: There were
17 a couple what?

18 THE WITNESS: There were a
19 couple of occasions which that occurred.

20 BY MR. WALTON:

21 Q. When was the first occasion
22 that that occurred?

23 A. Sometime in August of 2021.

24 Q. When was the second occasion?

1 A. The second occasion was also in
2 August of 2021.

3 Q. When was the next occasion?

4 A. September of 2021.

5 Q. When was the next occasion?

6 A. And then lastly, in January of
7 2022.

8 Q. So starting at the first
9 occasion in August of 2021, what documents
10 were deleted from the external drive?

11 MR. POPE: Object to form.

12 THE WITNESS: The -- I cannot
13 recall all of them. I found some documents.
14 They were checked to see if the -- I was
15 surprised to find the documents on there. I
16 did not remember they were on there, because
17 the WD was used at times -- I've had this WD
18 drive for years, and it was used to back up
19 my computer before Nalco -- and I say Nalco
20 specifically, before Nalco was even purchased
21 by Ecolab. It was used to back up my company
22 computer, and it was used as essentially a
23 dump. I would grab -- I would grab files in
24 -- from my -- from my PC file explorer, drag

1 BY MR. WALTON:

2 Q. And that was during your first
3 session, or the first time that you found
4 them in August of 2021?

5 A. Yes.

6 Q. And like, how specifically did
7 you find these documents? I mean, what --
8 you know, what I'm asking is, like what
9 computer were you using when you were
10 accessing the WD external drive?

11 A. A ChemTreat computer.

12 Q. So, why were you -- so, why did
13 you -- why were you hooking up this WD drive
14 to your ChemTreat computer?

15 MR. POPE: Object to the form.

16 THE WITNESS: That's the
17 computer I had to use at the time.

18 BY MR. WALTON:

19 Q. Okay. But why were you -- but
20 why did you hook up or connect this old WD
21 drive to your ChemTreat computer? What were
22 you trying to find on that drive?

23 A. I was looking for -- I was
24 looking for some pictures.

1 in regards to -- no, never mind. Go ahead.

2 Q. What did you -- what did you
3 need me to clarify?

4 A. Once again, confusing --
5 confusion of dates. Go ahead.

6 Q. Okay. So in 2020, in September
7 2020 is the last time that you saved Nalco
8 information to that WD drive; correct?

9 A. Prior to September of 2020.

10 Q. Okay. Was it in 2020, though?

11 A. Yes.

12 Q. Okay. And in 2020, how often
13 did you save information to that drive?

14 MR. POPE: Objection to form.

15 THE WITNESS: Very rarely.

16 BY MR. WALTON:

17 Q. Why were you saving information
18 to that drive?

19 A. The reason I say the
20 information was saved is there was a document
21 that was shown to be accessed in 2020. And
22 it was somehow discovered in -- on my WD, and
23 it should not have been there, but it was.
24 And that's one of the documents that I found.

1 It was -- I was surprised that it was there,
2 and it was deleted.

3 Q. Wait, I'm -- I'm confused about
4 that answer. So, what do you mean, a
5 document that was shown to be accessed in
6 2020?

7 A. A document from 2020.

8 Q. Okay. So -- and when did it --
9 when was it shown to be accessed? I'm not
10 sure what you mean by that.

11 A. It was accessed on a ChemTreat
12 computer because I -- I was shocked. I was
13 confused why the document was there on the
14 WD. So when I looked to confirm that the
15 file was -- that the information contained
16 within the document was accurate based upon
17 the file name, then I just deleted it.

18 Q. And what document was that?

19 A. It was a -- it was a service
20 report, a personal service report -- you
21 would see the acronym PSR -- created by Quint
22 McCreary, which worked for me, who's my
23 direct report.

24 Q. Okay. So back to the documents

1 that you saved to the WD drive in 2020, I
2 think my question was why were you saving
3 those documents to the WD drive.

4 A. Okay. Let me -- let me give
5 you a chronological answer to that, if I
6 could.

7 Q. Yeah.

8 A. The WD drive was used more
9 often prior to Ecolab, Nalco Water
10 implementing OneDrive.

11 Q. Okay.

12 A. And I'm very specific on that
13 because even when we -- Ecolab made the move
14 from Dropbox to OneDrive, there was a lot of
15 concern within the company, within Ecolab at
16 the time, that all the files would be
17 transferred accurately. And prior to that,
18 everyone kept -- it was -- it was common
19 practice, it was preferred practice, it was
20 encouraged practice that people back up their
21 hard drives, back up their files from their
22 work computer and keep a backup copy with
23 them. That -- it was encouraged to the point
24 that the company sent out the LaCie drives,

1 LaCie drives, ever -- what name do you want
2 me to use for --

3 Q. It doesn't matter to me.

4 A. -- for commonality within this
5 conversation? Because we're going to look at
6 that at some point, I'm sure.

7 Q. Yes, sir.

8 A. Which -- which name would you
9 like for me to use?

10 Q. I'd like to use the name that
11 you're comfortable with.

12 A. I'll let you pick, dealer's
13 choice.

14 Q. LaCie drive.

15 A. LaCie drive, fine. They were
16 actually sent out, and mine, the one that I
17 sent back to Ecolab actually had a sticker on
18 the back of it that said, "Property of Nalco
19 Company."

20 So it was -- it was common to
21 back up your computer onto an external drive.
22 The LaCie drives were not large enough to
23 take a -- an entire dump of documents from
24 our hard drives, or they were not big enough

1 to take multiple dumps, or multiple transfers
2 from the hard drive to the external hard
3 drive. So I purchased with my own money a --
4 the WD drive, which was much larger, I
5 believe it was a terabyte or -- or larger, I
6 believe. And at one point I could grab and
7 -- the way I would do it is I would go to my
8 file explorer, click on a group of files,
9 drag and drop into the connected device. In
10 some cases, it was the WD. In the case where
11 I was segregating files, it was the LaCie
12 drive. I would drag --

13 THE WITNESS: I cannot hear
14 you, Lane. I can see you.

15 MR. WALTON: Lane, can you hear
16 us? Yeah. We cannot hear you at all.

17 THE WITNESS: I'm not touching
18 the computer because I'm not IT-proficient.

19 THE VIDEOGRAPHER: Should we go
20 off the record?

21 THE WITNESS: "Can we go off
22 the record."

23 MR. WALTON: Yes, we can go off
24 the record.

1 THE VIDEOGRAPHER: It's 12:59.
2 We're back on the record.

3 BY MR. WALTON:

4 Q. Mr. Ridley, we had a massive
5 break here due to some technical issues, so I
6 just want to make sure that you still
7 understand that you are under oath.

8 A. Yes.

9 Q. Okay. Just want to go back
10 over some issues just to make sure it's all
11 clear.

12 We were talking about a WD
13 drive, right?

14 A. Yes.

15 Q. WD, would you agree with me, is
16 Western Digital?

17 A. That I don't know.

18 Q. Okay. Would you agree with me
19 that that is a drive that you connect to a
20 computer through a USB port?

21 A. Yes.

22 Q. Okay. And you purchased that
23 drive a few years ago, right?

24 A. Many years ago.

1 Q. Okay. Now, at the time you
2 purchased the drive, had you already been in
3 possession of the LaCie drive that was issued
4 to you by Nalco?

5 A. No.

6 Q. Okay. And it was a
7 one-terabyte drive, correct?

8 A. I do not know the size. I do
9 know it was large. Well, much larger than
10 the LaCie drive.

11 Q. And the LaCie drive was around
12 80 gigs?

13 A. I believe that is accurate.

14 Q. And you used this -- the
15 Western Digital drive while you were at Nalco
16 to back up your computer, correct?

17 A. Yes.

18 MR. POPE: Objection to form.

19 BY MR. WALTON:

20 Q. And you -- now, I want to make
21 sure, when -- in terms of backing up the
22 computer, did you back up your entire
23 computer to it or just selected files and
24 folders?

1 A. The computer that I would have
2 backed up using the WD drive was my Nalco
3 computer, and that would have been an entire
4 backup of the files that were on the
5 computer.

6 Q. Okay. And you also used a WD
7 drive for personal things, right?

8 A. That was its primary use.

9 Q. Okay. Now, when you backed up
10 your W -- I'm sorry, sir.

11 When you backed up your Nalco
12 computer, was there more than one backup on
13 there at a time?

14 A. Yes.

15 Q. And so you would back up your
16 computer. Then when you backed it up again,
17 would you delete the old backup?

18 A. No.

19 Q. How many times did you back up
20 your Nalco computer to the WD drive?

21 A. Several. I do not know -- I do
22 not recall an exact number.

23 Q. I understand, but I'm going to
24 follow up and ask you what you mean by

1 "several." By "several," when you use that
2 term, do you mean more than five?

3 A. Yes.

4 Q. Do you mean more than ten?

5 A. No.

6 Q. So somewhere between five and
7 ten; is that fair?

8 A. That would be fair, yes.

9 Q. And you saved documents to that
10 WD drive as late as 2020, correct?

11 A. Yes.

12 Q. And that was after you had the
13 LaCie drive, correct?

14 A. Yes.

15 Q. Okay. So in 2020, what
16 documents did you save to the WD drive?

17 MR. POPE: Objection to form.
18 He can of course answer to the best of his
19 recollection.

20 MR. WALTON: Yeah, sure.

21 THE WITNESS: Clarify, please.

22 BY MR. WALTON:

23 Q. Sure. What do you need me to
24 clarify?

1 A. Restate the question.

2 Q. Sure. In 2020, what Nalco
3 documents did you save to the WD drive?

4 A. I do not recall all of the
5 documents that were saved to the WD drive in
6 2020.

7 Q. In 2020, when you were saving
8 Nalco information to the WD drive, was that a
9 complete backup of the computer?

10 A. I do not believe it was. To my
11 recollection, that was -- that did not occur.

12 Q. So why were you saving Nalco
13 files to the WD drive after you had received
14 the LaCie drive?

15 A. The -- any backup that would
16 have been done to the WD drive would have
17 been done solely because it had a larger
18 capacity than the LaCie drive.

19 Q. So is it fair to say that, if
20 you were backing up files in 2020 to the WD
21 drive, backing up Nalco files, you were using
22 the WD drive because it had a larger capacity
23 than the LaCie drive, right?

24 A. Yes.

1 Q. Okay. And so that means that
2 you were saving perhaps more documents, more
3 Nalco documents, to the WD drive than you
4 believed the LaCie drive could handle --

5 MR. POPE: Objection to form.

6 BY MR. WALTON:

7 Q. -- from a storage standpoint.

8 A. No.

9 MR. POPE: Objection to form.

10 THE WITNESS: No.

11 BY MR. WALTON:

12 Q. Why do you say no?

13 A. The -- as shown, when I
14 segregated the files, the Ecolab files and
15 the Nalco Water files, the LaCie drive could
16 handle one backup of the Ecolab laptop. It
17 could not handle multiple.

18 Q. Okay. So back to my question,
19 though, does that -- does that -- was the
20 LaCie drive already full in 2020 when you
21 were backing up files to the WD drive?

22 A. I do not -- I do not remember.

23 Q. Okay. So you just backed up
24 these files to the WD drive and you just

1 chose to do that because it had a bigger
2 capacity; is that fair?

3 A. Yes.

4 Q. And sitting here today, you
5 don't remember if you even looked at the
6 LaCie drive to see how full it was, right?

7 MR. POPE: Objection to form.

8 THE WITNESS: Yes, that's
9 correct.

10 BY MR. WALTON:

11 Q. And so when you -- so when you
12 saved documents to the WD drive, you did that
13 from a Nalco -- in 2020, you did that from a
14 Nalco computer, correct?

15 A. No.

16 Q. No?

17 A. That's not accurate.

18 Q. Okay. So why is that not
19 accurate?

20 A. Because it was -- at that time
21 Nalco was owned by Ecolab, so that would have
22 been technically an Ecolab piece of property.

23 Q. Okay. So it was from a
24 Nalco --

1 THE COURT REPORTER: I'm sorry.
2 You said, "Because it was -- at that time
3 Nalco was owned by Ecolab, so that would have
4 been technically ..."

5 THE WITNESS: An Ecolab
6 computer.

7 MR. WALTON: You have a
8 tendency to trail off a touch at the end of
9 your answers. If you could just maybe
10 remember to kind of enunciate then towards
11 the end. I do the same thing, and I'll try
12 to remember the same thing, okay?

13 THE WITNESS: Sure. No. That
14 was -- that -- technically that would have
15 been an Ecolab device.

16 MR. WALTON: Okay. Fair
17 enough.

18 BY MR. WALTON:

19 Q. And so is it fair to say that
20 there was a lot of Nalco/Ecolab files that
21 you saved on that WD drive in 2020?

22 A. Clarify the question for me,
23 please.

24 Q. What do you need clarification

1 on?

2 A. Restate the question.

3 Q. Sure. Is it fair to say that
4 you saved several potential files -- or
5 strike that.

6 Is it fair to say you saved
7 several files, Nalco/Ecolab files, on your WD
8 drive in 2020?

9 MR. POPE: Objection. Form.
10 "Several."

11 THE WITNESS: I do not recall
12 saving that many. The standard practice or
13 the standard operation would be to not save a
14 lot in 2020.

15 BY MR. WALTON:

16 Q. Okay. And can you give me an
17 estimate of the number that you saved to the
18 LaCie drive in 2020?

19 MR. POPE: Objection to form.
20 Speculation.

21 BY MR. WALTON:

22 Q. Can you give me an estimate?

23 A. In 2020 I did not save any
24 documents to the LaCie drive.

1 Q. I thought we just went down --
2 so you didn't save any -- so now you're
3 saying you didn't save any Nalco or Ecolab
4 documents to -- I'm sorry. I screwed up.

5 In 2020 did you save any
6 documents, Nalco or Ecolab files, to the WD
7 drive?

8 A. Yes.

9 Q. Okay. What was the number --
10 can you give me an estimate of the number
11 that you saved to the WD drive in 2020?

12 A. There were very few.

13 MR. POPE: And I object to the
14 form of the question.

15 BY MR. WALTON:

16 Q. And very few, less than ten?

17 MR. POPE: Object to the form.

18 THE WITNESS: I don't know.

19 BY MR. WALTON:

20 Q. And what documents did you
21 specifically save?

22 A. The only one that I know was
23 saved was a service report or personal
24 service report that was created by Quint

1 McCreary.

2 Q. Did you not have access to the
3 document on your OneDrive --

4 A. Yes.

5 Q. -- at Nalco?

6 A. Yes.

7 Q. So why did you need to save it
8 to the WD, too?

9 A. That -- I am not sure why that
10 document was on my WD drive in 2020. I do
11 not recall saving it in 2020.

12 Q. Well, the same question, for
13 all the other documents that you saved on the
14 WD drive in 2020, is it fair to say that
15 there were also available to you on Nalco's
16 OneDrive account?

17 A. Yes.

18 Q. And for those other documents,
19 can you tell me why specifically you would
20 choose to save them to the WD drive if they
21 were already on the OneDrive account?

22 MR. POPE: Objection to form.
23 Vague. What other documents?

24 MR. WALTON: I'm talking about

1 these other documents that he downloaded in
2 2020 to -- or he copied in 2020 to the WD
3 drive.

4 MR. POPE: Same objection.

5 BY MR. WALTON:

6 Q. You can answer.

7 A. Restate your question, please.

8 Q. Sure. In 2020 the documents
9 that you down -- that you copied to the WD
10 drive, they were all available to you on the
11 OneDrive, correct?

12 A. Yes.

13 Q. If those documents were
14 available to you on the OneDrive, why did you
15 also copy them to the WD drive?

16 A. It is my opinion that those
17 documents got copied to the WD drive in
18 error. There was no reason for them to be on
19 there.

20 Q. What was the specific error?

21 A. The method that I used to
22 select on a file and drag and drop, if you
23 hover over a file, it could -- or you hover
24 over a device, you can accidentally drop one

1 into a device mistakenly.

2 Q. All right. So you're saying
3 that those files, the files that you copied
4 to the WD drive in 2020 from Nalco, were
5 accidentally placed on there.

6 MR. POPE: Objection to form.
7 Misstates his testimony.

8 BY MR. WALTON:

9 Q. Isn't that what you just told
10 me?

11 A. I'm saying that there wasn't a
12 whole lot of reason for me to duplicate those
13 files in 2020, and I believe it was done in
14 error.

15 Q. It was done by accident. Is --

16 MR. POPE: Objection to form.

17 BY MR. WALTON:

18 Q. Is there a difference in your
19 mind between error and accident?

20 A. No. Error and accident, in my
21 definition, would be the same.

22 Q. All right. So then we're
23 talking about how you then still had that
24 drive -- well, just let me back up on the

1 W -- when is the last time you remember
2 backing up your entire Nalco computer to the
3 WD drive?

4 A. 2017/2018 timeframe. And
5 that's an estimate --

6 Q. Sure.

7 A. -- Mr. Walton.

8 Q. Just to the best of your
9 recollection, sir.

10 A. 2017, 2018. For a full backup.

11 Q. Okay. So the last backup that
12 you recall putting -- of your Nalco computer
13 that you recall putting on the WD drive is in
14 2017 or 2018, right?

15 A. The last full backup.

16 Q. Okay. Did you ever do partial
17 backups?

18 A. Potentially.

19 Q. When did you do those?

20 A. I cannot recall.

21 Q. What in your mind is a partial
22 backup?

23 A. Less than a full backup.

24 Q. So when you say "potentially,"

1 would that have been potentially after 2017
2 and 2018?

3 A. Potentially, yes.

4 Q. Had you ever checked the drive
5 since the beginning of this lawsuit to see
6 what backups are on there?

7 A. I have not had that drive in
8 months.

9 Q. Okay. So you gave that to your
10 first attorney?

11 A. That is correct.

12 Q. And since then, you have not
13 had access to the drive at all?

14 A. That is correct.

15 Q. How did you get your pictures
16 off there? Or strike that.

17 Did you get your pictures and
18 your personal stuff off that drive?

19 A. No.

20 Q. Did you have another copy of
21 those pictures and your personal stuff
22 somewhere else other than that drive?

23 A. No.

24 Q. Okay. So the last full backup

1 Q. What's the last date that you
2 had access to the Western Digital drive, to
3 the WD drive?

4 A. I am not certain what date I
5 e-mailed -- I'm sorry -- what date I mailed
6 that device to Ryan Holt.

7 Q. Who was your first counsel.

8 A. Yes.

9 Q. Would that have been sometime
10 in May 2022?

11 A. No.

12 Q. Would that have been sometime
13 in April 2022?

14 A. No.

15 Q. What month was it, if you
16 recall?

17 A. It -- February.

18 Q. February of 2022.

19 A. Yes.

20 Q. Was that also when you first
21 notified ChemTreat that you had the WD drive,
22 in February?

23 MS. LUND: Objection. Assumes
24 facts not in evidence.